

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

IN RE MUTUAL FUNDS)	MDL 1586
INVESTMENT LITIGATION)	
)	Case No. 04-MD-15863-04
This Document Relates To:)	(Hon. J. Frederick Motz)
<i>MFS Sub-Track,</i>)	
04-md-15863-04)	
)	

**INVESTOR CLASS LEAD PLAINTIFF'S MOTION FOR
APPROVAL OF DISTRIBUTION PLAN**

Court-appointed Investor Class Lead Plaintiff, the City of Chicago Deferred Compensation Plan, respectfully moves this Court, under Rule 23(e) of the Federal Rules of Civil Procedure, to enter the accompanying [Proposed] Order Approving Distribution Plan (the "Distribution Order") in the MFS sub-track of MDL-1586 – *In re Mutual Funds Investment Litigation* (the "Action"), which will, among other things: (i) approve GCG's administrative determinations accepting and rejecting the Proofs of Claim submitted in the Action (including its determination to reject the Contested Claims); (ii) direct the distribution of the Net Settlement Fund and the OAG/Canary Fund to claimants whose Proofs of Claim have been accepted as valid and approved by the Court and who would receive a distribution amount of \$20.00 or greater (the cut-off for payments set forth in the Court-approved Plan of Allocation); (iii) direct that distribution checks state that the check must be cashed within 90 days after the issue date; (iv) direct that Authorized Claimants will forfeit all recovery from the settlement proceeds if they fail to cash their distribution checks in a timely manner; (v) adopt the recommended plan for the funds remaining following the Distribution; (vi) release claims related to the claims administration process; (vii) approve GCG's fees and expenses incurred and to be incurred in connection with the administration of the Settlements; (viii) authorize destruction of Proof of Claim forms after the Distribution; and (ix) provide that the Court retains jurisdiction to consider

any further applications concerning the administration of the Settlements, and such other and further relief as the Court deems appropriate.

The grounds for this motion are set forth in the accompanying Investor Class Lead Plaintiff's Memorandum In Support Of Motion for Approval of Distribution Plan and Declaration of Jason Zuena in Support of Motion for Approval of Distribution Plan, and all prior papers and proceedings in this Action.

The [Proposed] Order Approving Distribution Plan is attached hereto as Exhibit 1.

Dated: November 13, 2012

Respectfully submitted,

**BERNSTEIN LITOWITZ BERGER &
GROSSMANN LLP**

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